

**UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

**ECF Procedures
January 29, 2003**

Adopted By the Court Pursuant to Local Rule 5005-1

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ECF Procedure #1- Scope of Electronic Filing

These procedures use the term "Electronic Filing System" or "ECF System" to refer to the Court's system that receives documents filed in electronic form. The term "Filing User" is used to refer to those who have a Court-issued log-in and password to file documents electronically.

Except as otherwise provided by Order of Court, all cases and pleadings filed on or after February 3, 2003, will be assigned to the Electronic Filing System. Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in connection with a case assigned to the Electronic Filing System must be electronically filed.

A courtesy copy of any document electronically filed which requires action on the part of the Bankruptcy Judge shall be delivered to the Clerk through July 30, 2003. The "Notice of Electronic Filing" that is automatically received when the document is accepted for electronic filing must be affixed to the paper copy that is filed. Paper copies must be filed for the following types of documents: amendments, motions, applications, complaints, objections, answers, briefs and any other pleading requesting the Court to provide relief.

Attorneys and others who are not Filing Users in the Electronic Filing System are required to electronically file pleadings and other papers in a case assigned to the System. Once registered, a

Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk's Office with written notice of the withdrawal.

The Clerk shall provide reasonable alternative access during regular business hours for those who are not Filing Users to allow such persons to file documents electronically.

ECF Procedure #2 - Eligibility, Registration, Passwords

Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, may register as Filing Users of the Court's Electronic Filing System. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court.

If the Court in a particular case permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Registration as a Filing User constitutes, in any case in which the Filing User has entered an appearance: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Federal Rule of Bankruptcy Procedure 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

ECF Procedure #3 - Consequences of Electronic Filing

Once received, electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Bankr.P. 5003.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents filed first in paper form and subsequently submitted electronically under ECF Procedure #1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

Filing a document electronically does not alter the filing deadline for that document. Unless otherwise ordered, filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

ECF Procedure #4 - Entry of Court Orders

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these Procedures and the Local Rules, which will constitute entry on the docket kept by the Clerk under Federal Rules of Bankruptcy Procedure 5003 and 9021. All signed orders will be filed electronically by the Court or court personnel. Any order filed electronically without the original signature of a Judge has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User submitting a document electronically that requires a Judge's signature must promptly deliver the document in such form as the Court requires. Orders must be filed in compliance with the requirements specified by the Judge assigned the bankruptcy case or adversary proceeding. These requirements are published on the Court's Website at each Judge's web page.

ECF Procedure #5 - Attachments and Exhibits

Exhibits and other attachments to pleadings shall not exceed ten pages in length. A summary not exceeding ten pages may be filed for exhibits and attachments that are more than ten pages in length. In lieu of the summary or in lieu of the entire document, a one page Document and Loan History Abstract, Local Form No. 25 (Exhibit "A"). All abstracts, exhibits and exhibit summaries must be electronically filed, each as a separate attachment, to the docket entry to which they refer.

The party filing a pleading containing a summary of an exhibit or the Document and Loan History Abstract shall have a paper copy of the entire document at any hearing that is reasonably expected to pertain to the pleading. The party filing a pleading containing a summary or abstract shall, upon request of any party in interest, provide a copy of the entire exhibit. The copy may be provided in electronic format.

ECF Procedure #6 - Sealed Documents

Documents ordered to be filed under seal must be filed as a paper document, not electronically, unless specifically authorized by the Court. A motion to file documents under seal should not contain confidential or privileged information and shall be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal shall be filed electronically unless prohibited by law. A paper copy of the order authorizing the filing of documents under seal must be attached to the documents under seal and be delivered to the Clerk. Local Rule 5005-3 shall be followed when filing documents under seal.

In connection with the filing of any material in an action assigned to the Electronic Filing System, and subject to Procedures, Rules, Orders or statutes concerning the filing of documents under seal, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests. If the Court determines that access should be limited to certain matters, the Order (or a Notice thereof) shall be filed electronically.

ECF Procedure #7- Paper Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User, such as the debtor, corporate officers, etc., must be maintained in paper form by the Filing User for six (6) years from the date of filing. Failure to maintain documents for the specified period shall subject the Filing User to sanctions including, without limitation, disgorgement of fees. On request of the Court, the Filing User must provide original documents for review.

This requirement also applies to any document for which statute, rule, or court order requires an original signature. The signature of the debtor(s) authorizing the electronic filing of the bankruptcy case shall be accomplished by filing an original executed paper version of the DECLARATION RE: ELECTRONIC FILING, Local Form No. 1 (Exhibit "B"), within 15 days of the electronic filing of the petition. Both debtors must sign the authorization when a joint petition is filed.

The attorney representing the debtor must notify the Court forthwith if the debtor(s) fails to sign the declaration. The case shall be dismissed without prejudice when the Court is notified that the debtor has failed to sign the affidavit or when the affidavit is not filed within fifteen (15) days of the date the petition is filed.

ECF Procedure #8 - Signatures

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the Federal Rules of Bankruptcy

Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

Electronically filed documents must comply with Fed.R.Bankr.P. 9011 and set forth the name, address, telephone number and the attorney's state bar registration number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Failure to comply with these requirements may result in the Court striking the unsigned document from the record.

No Filing User or other entity may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) identifying on the document the parties whose signatures are required and by the certification by the Filing User of the endorsement, consent or signature by the other parties; or (3) in any other manner approved by the Court.

An attorney's password and login may be revoked by the Court.

ECF Procedure # 9 – Service of Documents by Electronic Means

A. Requirement of Service of Notice that Pleading Has Been Filed: Each entity electronically filing a pleading or other document must serve all parties in interest with the Notice of Electronic Filing issued to the Filing User by the ECF system.

B. Electronic Notice of Filing: Electronic transmission of the Notice of Electronic Filing constitutes service of the filed document and notice that it has been filed.

C. Service by Other Means: The Filing User must serve parties in interest who have not received an electronic copy of the Notice of Electronic Filing in accordance with the Federal Rules of Bankruptcy Procedure. Such service must include the Notice of Electronic Filing and a copy of the document which was filed.

ECF Procedure #10 – Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The Clerk or such other person as the Court or rules may direct must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure.

ECF Procedure #11- Technical Failures

A. A Filing User whose filing is made untimely as a result of a technical failure may seek appropriate relief from the Court.

B. Confirmation that ECF System is Inaccessible: If a Filing User is unable to access the ECF System due to technical inaccessibility resulting from a technical failure of the ECF system itself or the Court's server, the filing party must:

1. First obtain confirmation from the Clerk's Office that the ECF system is inaccessible.
2. Then contact the Courtroom Deputy of the Judge to whom the case is assigned and state the reason why an immediate filing is necessary. The Courtroom Deputy will advise the filing party whether filing should be made by other means.

ECF Procedure #12- Public Access

Any person or organization may access the Electronic Filing System through the Court's Internet site <http://pawb.uscourts.gov> by obtaining a PACER log-in and password. Anyone who has PACER access but who is not registered as a Filing User under these Procedures may retrieve docket sheets and documents but may not file documents.

Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

DOCUMENT AND LOAN HISTORY ABSTRACT

**(COMPLETE A SEPARATE ABSTRACT FOR
THE ORIGINAL TRANSACTION AND EACH ASSIGNMENT)**

***TYPE OF
INSTRUMENT***

☐ Mortgage ☐ Retail Installment Contract
☐ Assignment ☐ UCC Financing Statement
☐ Lease ☐ Promissory Note / Security Agreement
☐ Other (describe) _____

PARTIES

_____ Borrower / Lessee
_____ Lender / Lessor

DATE OF INSTRUMENT _____ ***# OF PAGES*** _____

***ESSENTIAL
TERMS***

_____ Original Principal Balance
_____ Term
_____ Interest Rate
_____ First Payment Due
_____ Payment Amount
_____ Frequency of Payments(weekly, monthly, yearly, etc.)
_____ First Payment Due Date
Last Payment Applied to Installment due on _____
_____ Amount in Arrears
_____ Total Amount of Claim on Date of Filing of Petition
_____ Total Amount of Claim on Date of Filing of Motion

SECURED (LEASED) PROPERTY DESCRIPTION

☐ Real Property ☐ Motor Vehicle ☐ Other
_____ Address / Description

Lien Recording

_____ Recorder of Deeds
_____ County / Commonwealth/State
_____ Secretary of State / Commonwealth/State
_____ Bureau of Motor Vehicles (Commonwealth/State _____)
_____ Other (Describe) _____
_____ Recording Date
_____ Book & Page/Instrument Number

OTHER ESSENTIAL INFORMATION:

PROOF OF CLAIM FILED WITH CLERK, U.S. BANKRUPTCY COURT _____ (Yes/No)

UNITED STATES BANKRUPTCY COURT
Western District of Pennsylvania

In Re

BANKRUPTCY NO.

,debtor

**DECLARATION RE: ELECTRONIC FILING OF
PETITION, SCHEDULES & STATEMENTS**

PART I - DECLARATION OF PETITIONER

I, _____, and I, _____, the undersigned debtor(s), certify that the information I give to my attorney for the preparation of the petition, statements, schedules and mailing matrix is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules to the United States Bankruptcy Court. I understand that this DECLARATION RE: ELECTRONIC FILING is to be submitted to the Clerk once all schedules have been electronically docketed but, in any event, no later than 15 days following the date the petition was electronically filed unless the time is extended by order of Court. I understand that failure to timely submit the signed original of this DECLARATION will result in dismissal of my case pursuant to 11 U.S.C. § 707(a)(3) without further notice.

☐ [If petitioner is an individual whose debts are primarily consumer debts and who has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11 of the United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in this petition.

☐ [If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Dated:

Signed: _____

(Type Debtor name here)

(Joint Debtor, if applicable, type name)

Title: _____

(Corporate or Partnership Filing)

Phone Number of Signer

Address of Signer

PART II - DECLARATION OF ATTORNEY

I declare that before filing any document I will have examined the debtor's petition and that the information is complete and correct to the best of my knowledge, information and belief. The debtor will have signed this form before I submit the petition, schedules, statements and mailing matrix. I will give the debtor a copy of all forms and information to be filed with the United States Bankruptcy Court, and have followed all other requirements for electronic case filing. I further declare that I have examined the above debtor's petition, schedules, and statements and, to the best of my knowledge, information and belief, they are true, correct, and complete. If debtor is an individual, I further declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge.

Dated:

Attorney for Debtor

Typed Name

Address

Phone No. (and Pa. Bar I.D. No. if applicable)

Exhibit “B”